IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 7611 of 2004

Kusma Sudharshan Ramchandran ..Petitioner

vs.

1. Administrative Officer
Municipal Education Board
Bhiwandi and ors. ..Respondents

Shri M.S.Lagu for petitioner.
Shri R.M.Agrawal with Shri G.R.Agrawal for respondent no.1.
Shri R.D.Rane, Addl.G.P. for respondent nos.2 and 3

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CORAM: A.P.SHAH AND
C.S.DHARMADHIKARI JJ.
23rd November, 2004

P.C.

1. Heard Advocates.

2. The petitioner is working as Asstt.Teacher in primary municipal school conducted by respondent no.1. By this petition the petitioner has impugned the order by which certain amounts paid excessively, according to the State, are sought to be recovered. It is admitted position that recovery was ordered without giving the petitioners an opportunity of giving show cause and without being heard in that regard. It is obvious that the said order is in violation of the principles of natural justice.

3. In Writ Petition No.7579 of 2004 the Division Bench had specifically directed the respondents to grant personal hearing to the petitioner, but inspite of the order of the Division Bench, respondent no.1 has initiated recovery on the basis of audit objections. In our opinion, Respondent no.1 was clearly in error in directing recovery without affording to the petitioners an opportunity of hearing. We, therefore, quash and set aside the impugned orders of recovery. We direct respondent nos.1 to grant personal hearing to the concerned petitioners and take a decision in accordance with law within a period of 3 months from today. It is needless to say that till the fresh orders are passed by respondent no.1 the petitioners will be entitled to trained teachers' salary. The arrears of salary, if any, shall be cleared within a period of 4 weeks from today.

4. Petition is disposed of accordingly.